

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CONSTANCE MOGULL, individually and on behalf
of all others similarly situated,

Plaintiff,

- against -

PETE AND GERRY'S ORGANICS, LLC,

Defendant.
-----X

Case No 21-cv-03521 (VB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the First Amended Complaint and the accompanying Memorandum of Law, the undersigned will move this Court, at The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, Courtroom 620, before the Honorable Vincent L. Briccetti, on a date to be determined by the Court, for an Order: (a) pursuant to Rule 12(b)(6), F. R. Civ. P., dismissing the First Amended Complaint and each count thereof for failure to state a claim upon which relief can be granted; (b) pursuant to Rule 26(c), F. R. Civ. P., staying discovery pending the adjudication of this motion; and (c) granting movant costs, fees and such other and further relief as is just and proper.

Dated: New York, New York
June 29, 2021

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/s/ Peter T. Shapiro

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CERTIFICATE OF SERVICE

Peter T. Shapiro, an attorney duly admitted to practice before this Court, certifies that on June 29, 2021, he caused the Notice of Motion to be filed and served by ECF.

/s/ Peter T. Shapiro

Peter T. Shapiro